

TIVERTON HARBOR COMMISSION

343 HIGHLAND ROAD
TIVERTON RHODE ISLAND 02878

MINUTES OF MEETING

MAY 4, 2009

The regular monthly meeting of the Tiverton Harbor Commission was held at the Tiverton Community Center at 246 Judson Street, North Tiverton RI..

In attendance were THC Members John McEwing, Chairman, David Stewart, Vice-Chairman, Harris Gruber, Secretary, Bob Dixon, Roger Winiarski, Frank diMauro and Bruce Cox. Also present were Don Dettlinger, an applicant for the Harbormaster's position, Patricia Chase, Charlie Smith and one other unidentified person.

The meeting was brought to order by Chairman John McEwing at 7:00 PM.

A departure from the regular agenda was made, in order to first afford Member Frank diMauro to make some remarks about recent HC issues, as he had to leave to attend a joint meeting of the Town Council and the Planning Board, of which he is also a member.

Issues brought up by Frank diMauro:

- 1 - Derelict sailboat: Boat has been removed by a private contractor; see current Sakonnet Times issue for details.*
- 2 - Participation of Harbor Commission in selection of new Harbormaster (further on this from John McEwing).*
- 3 - Methods of improving system of mooring management.*
- 4 - HC members participating in harbor patrols and mooring oversight matters*

Frank apparently had had an impromptu conversation with the Town Administrator, in which these matters were broached and discussed.

MINUTES OF 4/6 MEETING - Minutes of the previous meeting, having been available on-line, were also distributed in writing to each attendee and were approved, with one correction:

1 - The actual budget for the Harbormaster that was approved by the Town Council was reported to be \$14,000 for the coming fiscal year. At this point, Chairman McEwing said that the Town Administrator had promised that the HC would be directly involved and consulted in the preparation of next year's budget for the Harbormaster and the Harbor Commission.

Bruce Cox, of Sunset View Drive, a riparian property owner, was welcomed as a new Member of the Harbor Commission.

APPLICATIONS FOR HARBORMASTER POSITION -

John McEwing was present at the Personnel Board interviews of three candidates for the position. In his opinion, two were qualified, one was not. He interviewed each candidate at the meeting, in tandem with the Personnel Board, and made his recommendation to the Personnel Board.

Don Dettlinger, who is one of the applicants for the Harbormaster's position, was present and introduced himself. He described his previous boating experience, which is extensive, and includes the fact that he holds a USCG 50-ton Captain's License and that he was an Assistant Harbormaster in Tiverton, from 2002 to 2007. His application for the position was received beyond the specified deadline for same, but it was determined that the application would be considered, in spite of this, even though he was not one of the applicants present at the above-mentioned Personnel Board meeting.

In the ensuing discussion, Bruce Cox remarked that the HC, under the regulations, has the authority, as a body, to interview applicants for the Harbormaster's position.

It was also pointed out by John McEwing that the present Harbormaster, Phil LaPointe, will conclude his duties as of June 30.

CORRESPONDENCE AND COMMUNICATIONS -

At the same Personnel Board meeting, John McEwing was interviewed by a reporter from the Sakonnet Times regarding the paper's interview with some individual(s), unnamed, representing themselves as Harbor Commission members. These individuals, who still have not been identified, were commenting on their dissatisfaction with the progress of matters before the HC, such as mooring management, the harbormaster selection process and poor communications with other Town bodies. John responded that each of these issues was under active consideration by the HC and was being addressed in constructive ways, including the obvious action of choosing a new Harbormaster.

OLD BUSINESS -

- COMMUNICATIONS WITH TOWN AGENCIES - Regarding the relations between the Harbor Commission and other Town agencies, the discussion ranged over a number of points, chief among them responsibilities and authorities. These points were made:

Under CRMC regulations, the Harbor Commission is obligated to review and make recommendations on any construction or renovation project that is to be undertaken within 200' of the Mean High Water Mark on the tidal shoreline of the waters of the Town of Tiverton. There are some pertinent variables on this line, subject to the terrain configuration, such as marshes and other land characteristics.

As the matter of exercising this oversight is explored, it has become evident that the various agencies of the Town are not aware of this requirement or have not paid requisite attention to it. Frank diMauro, being also a member of the Planning Board, has said that the PB will now pay closer attention to this issue and will advise the HC when such matters arise in their venue.

As noted, there have been frequent conversations and emails between the Town Administrator and the HC about the awareness of Town officials regarding permitting along the shoreline. And, as observed, many physical projects seem to be underway or already completed that have escaped the required permitting processes altogether. It appears that the HC learns of some of them anecdotally, after completion, if at all.

In particular, communications between the HC and the Building Inspector have been non-existent. Resident Charlie Smith has commented often at our meetings on dock-building, waterfront building renovations, even some rip-rap building, especially in the channel leading into Nannaquaket Pond, that do not seem to have been addressed by any town agencies and that may be patently illegal, if not correctly permitted.

. At the request of the Town Administrator, the Tiverton Harbor Commission parameters for requesting notification by Town agencies regarding new or pending construction or renovation projects, within 200' of the High Water Mark, as defined, where a permit or permits are required, are as follows:

- 1 - Any new building construction;*
- 2 - Any building renovations;*
- 3 - Any construction, alteration, or repairs and any other projects at the water's edge, such as, but not limited to, docks, rip rap and similar structures;*
- 4 - Any notification from CRMC, DEM or U.S. Army Corps of Engineers to the Town of a project application or decision.*

- CRMC NOTIFICATION TO TOWN OF WATERFRONT PROJECTS - One of the problems is that, even though the CRMC does notify the Town, in writing, of projects in

*the Town for which it has received an application, those requests never get directly to the Harbor Commission, which is responsible for oversight in these matters. This is only a *passive* notification method and is not satisfactory, in terms of the necessary involvement of the Harbor Commission. A discussion ensued and it was resolved that:*

Action should be taken to specify the Tiverton Harbor Commission as Agent for the Service of Notices by the Coastal Resources Management Council to the Town of Tiverton, so as to ensure timely and pertinent oversight by the Harbor Commission.

- SAKONNET RIVER BRIDGE REPAIRS/REPLACEMENT - At one of the recent meetings of the HC, Harbormaster Phil LaPointe passed around a document, with diagrams of a plan for temporary navigation restrictions within the Tiverton Basin, to be in effect during repairs/construction. HM LaPointe averred that he had gotten this plan from some (unidentified) committee meeting. No one seems to know the source of the .document and it is not listed, as of this date, in the Coast Guard's Notices to Mariners. Copies of the document were requested at that time, but none have been forthcoming, as of this date. (Details, as known, were described in previous minutes.)

MOORING MANAGEMENT ISSUES - Insufficient information is available from HM LaPointe. We are in the process of engaging a new Harbormaster, who will be the "lynch pin" in laying out new procedures and systems for proper management.

VOLUNTEER ASSISTANCE FOR HARBOR MANAGEMENT CONSIDERATIONS - Discussions are ongoing with the Town Administrator who is in turn consulting with the Town Solicitor regarding liability considerations for volunteers. This matter will be addressed in more detail at the next meeting.

STATUS OF HARBORMANAGEMENT PLAN - Next meeting.. Bruce Cox and Harris Gruber requested up-to-date versions of the current Harbor Management Plan.

STATUS OF RIGHTS OF WAY RESEARCH - Next meeting

STATUS OF NORTH RIP MARINA CONSTRUCTION - No communication with principals or representatives for this project have been noted recently. Resident Charlie Smith noted that he has received comments questioning the efficacy and security of "dock plates", wiring and helix' mooring devices which are incorporated in the plan originally presented to the Harbor Commission.

DISPUTE BETWEEN ROGER WINIARSKI AND TIVERTON YACHT CLUB OVER DISPLACED/LOST MOORING - It was resolved that Roger should write a letter to the Harbor Commission, detailing the events in the matter. Upon receipt, the HC would make appropriate inquiries on Roger's behalf.

HARBORMASTER'S REPORT - No report; Harbormaster was not present at this meeting.

Respectfully submitted,

Harris Gruber, Secretary